The Case of Jill Raymond

(To those who patiently waited for this story in the last issue of the PCT, deepest apologies. Verification of certain details resulted in the delay. This is the story of Jill Raymond as paraphrased from an interview taken with co-defendants Carey Junkin and Linda Link in November – OLIVERIUS)

Early this year around 100 members of the Lexington, Kentucky, Gay community were questioned about their alleged association with two women being sought by the FBI. Of these 100, six chose to exercise their constitutional right to refuse to be interrogated without due process, invoking the 1st, 4th, 5th, 8th and 9th Amendments to the U.S. Constitution. All six were then given a "Use Immunity Hearing", which supposedly guarantees that evidence obtained will not be used against those testifying, thus removing the possibility of "self-incrimination", thus nullifying the 5th Amendment.

The six were then ordered to testify or to face civil contempt charges. All six refused. They were then given a cursory hearing *on one hour's notice* by U.S. District Court Judge BERNARD J. MOYNAHAN, then sent to jail, handcuffed and — in the case of four female victims — chained together.

Marla Seymour, Linda Link, and Gail Cohec served two months. Debbie Hands served one week. Carey Junkin served one month. All of the above claim to have been beaten, refused food, and were otherwise harrassed by county employed jailors until, out of desperation, they capitulated and gave testimony. Jill Raymond, the sixth, remains in jail where she has been for eight months. In the words of her attorney, Emmy Hickson (also a Gay woman): *"She will die before she talks."*

The glaring feature of this inquisitorial nightmare is that none of these six people have committed or been charged with any crime! (Other than refusing to give possibly self-incriminating testimony to the FBI.)

At no point in any of these proceedings would the court permit the victims or their attorneys to question the FBI agents involved, and the record of the trial shows clearly the blatant conspiracy of Judge MOYNAHAN, U.S. Attorney EUGENE SALER, and the FBI to harrass, terrorize and abuse the rights of these Gay people. Moreover, during the actual hearings, agents of the FBI gave evidence against one of their own informants!

The message of this affair is clear: DO NOT TRUST THE FBI! They are the enemies of all Gay people, whatever our politics, social position, or actual guilt or innocence.

The drive to free Jill Raymond has been given unreserved endorsement of Elaine Noble (Massachusetts State Legislator), as well as almost every major Gay leader, representing as it does one of the most blatant attempts ever to cripple the protections extended by the Constitution to Gays and straights alike.

At the time of this interview, Jill's lawyers were attempting to secure her release on the grounds that the coercive purpose of her incarceration for contempt is not working, but rather is KILLING the witness. In the interim, they are attempting to have Jill moved to federal or state prison where living conditions are better (!!!!) than those at the county jail where she is now being wasted.

WE can free this woman! by writing to Atty. Gen. Edward Levy, Justice Dept., Washington, D.C., as well as our Senators and Congressmen. Those wishing to extend support to Jill, herself, can write to her at: Madison County Jail, Richmond, Kentucky 40601.

FEDERAL BUREAU OF INVESTIGATION
COMMUNICATIONS SECTION

MAR 29 1976

TELETYPE

NR003 PH PLAIN

4402 PM NITEL MAR. 29 1976 JER

TO: DIRECTOR (92-46611)

BOSTON (91-4219)

NORFOLK

FROM: PHILADELPHIA (91-7264)(SQ4) (P)

GILROB

RE BUREAU AIRTEL TO BOSTON, MARCH 19, 1976.

[redacted]

ON MARCH 19, 1976, VALERI PLEADED GUILTY TO ESCAPE CHARGE AND SENTENCED TO SIX MONTHS. ON MARCH 25, 1976, VALERI SENT BY U.S. MARSHAL'S BUS TO NEW YORK MCC. FROM THERE HE WAS TO BE TAKEN TO SANDSTONE, MINN., TO SERVE REMAINING SENTENCE. [redacted]

[redacted]

FUG. SUP.

ALL INFORMATION CONTAINED
HEREIN IS UNCLASSIFIED
DATE 4-20-79 BY SP3 TEKIM

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Dep.-A.D.-Inv.
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T EIR SILENCE DE ANDS WE SPEAK

by SUSAN M. SAVELL

Not many of us have ever had to make the difficult decision to disobey a law and go to prison for principles we believe in deeply. But throughout the 1960's we experienced this painful struggle of conscience as we watched others—our sons, our brothers, our daughters, or our sisters—make decisions about their resistance to the Vietnam War. Since April 1975 I have come to know personally two of the three young women in our country faced with the awesome responsibility of making a similar choice.

A group of churchwomen, representing nine denominational or ecumenical agencies, gathered in New York City on April 15 to discuss reports about investigative visits to some members of the women's movement by the Federal Bureau of Investigation and other law-enforcement agencies. These visits initially frightened and confused many women in cities across the country who had never had any previous encounters with federal agents, and who certainly had not been involved in any illegal activity.

In Cincinnati, Ohio, for example, Ms. Margie Robertson, a member of the National Organization for Women, was visited by Mary Elizabeth Denn, an FBI agent. Ms. Denn was ostensibly investigating the whereabouts of two women who have been on the FBI's "10 most wanted" list for four years—Katherine Ann Power and Susan Saxe (reportedly seen in the area either last August or during the week of January 24, 1975). But after Ms. Robertson looked at pictures of these two fugitives and could not identify them, the agent continued to ask her questions about women in NOW and other feminist groups in Cincinnati. She particularly wanted to know the names of women's groups, the names and phone numbers of the "most radical" women belonging to these groups, and information about any "large rallies" or other feminist activities in the city. Ms. Robertson, who at the time was nursing a sick baby, said to *Cincinnati Post* reporter Lew Moores: "I was tied up in knots. She stayed for about 45 minutes."

Our ad hoc Committee of Concern (as we decided to call it) heard this report on April 15 from Ms. Arlie Scott, a member of NOW's National Board of Directors. She reported that similar FBI visits had been made to women in Lexington, Ky., Philadelphia, Pa., Boston, Mass. and New Haven and Hartford, Conn.

Ms. Peggy Billings, assistant general secretary of the United Methodist Women's Division Section of Christian Social Relations, and chairperson of our committee, then began inquiries by phone to discern whether or not churchwomen had been affected by these FBI probes. She found that even the Prudence Crandall Center for Women, a center funded in part by the United Church of Christ and staffed by Davida Foy Crabtree, an ordained UCC minister, had been visited by agents who asked: "Who has access to your phones?"

As our Committee discussed the situation, we realized that at first, many of these questions may seem harmless. Why not give out names and phone n mbers of friends and acquaintances to FBI agents? And yet, as we explored the patterns of the visitations more closely, we came to the conclusion that the request for and *use* by the FBI of personal information about women who are friends, colleagues, and members of consciousness-raising groups and churches could be destructive.

For the Women's Movement has largely been built upon the sort of confidentiality that emerges from working together on social issues, from sharing personal life-stories in small groups, and from learning to be with other women as trusted companions—in a real sense, as new sisters. Any invasion of this confidentiality, therefore, *can* be divisive because it creates a spirit of suspicion (who gave the FBI my name and what did she tell them about me?) rather than a spirit of trust (I know she will protect my privacy).

These were the kinds of worries our Committee of Concern shared as we explored the extent, patterns, and implications of the FBI interrogations. It was not long before we discovered our worst fears about the implications were real: 7 women and 1 man in Lexington, Ky., and New Haven, Conn., had been imprisoned as a result of the FBI activity, and their families and communities of trust were consequently splintered, harassed and confused. Wanting to learn all of the facts of the matter we asked Kristin Glen, one of the attorneys for the two women imprisoned in Connecticut, to tell our Committee what had happened to her clients.

Around January 1975 at least 20 FBI agents began questioning members of women's groups

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Ms. Savell is consultant to the Commission on Women in Ministry for professional church leadership in the National Council of Churches.

in Connecticut—including Ms. Glen's clients, Ellen Grusse, 28, a computer technician, and Terry Turgeon, 31, a department store clerk. Again, they were ostensibly looking for Katherine Ann Power and Susan Saxe, because they said they had information that the fugitives had lived for a while in the state *under the aliases* of Lena Paley and May Kelley. It is important to remember here that even if some women in Ohio or Kentucky or Connecticut *did* know these women, those who have testified before grand juries have claimed that, under oath, they said they did *not* know that Lena Paley and May Kelley were fugitives being sought by the FBI.

There were women like Ellen Grusse and Terry Turgeon, on the other hand, who chose to exercise their legal right not to speak with the FBI agents about themselves or any of their friends. Not because they had anything more to hide than those women who did speak with the FBI or testify before grand juries. But simply because when the FBI agents approached them, the word had already spread through their communities about the interrogations in their city, and they chose as individuals and as a group to protect their own privacy and the privacy of their friends. They chose to remain silent.

FBI agents cannot legally force any person to answer their questions. Time after time, the Federal Bureau of Investigation has gone to Congress and requested that they be granted the power of subpoena, so that it would be illegal not to answer the questions of an agent. But, every time, Congress has refused the Bureau this power in order to protect the citizen, to curb the power of the Executive branch of government (the FBI is under its jurisdiction), to reserve subpoena power for the courts, and thereby protect the proper balance of power between the Executive and Judicial branches of government. The courts, then, should ideally protect the citizen from any coercive treatment from law enforcement officials.

In the case of Ms. Grusse and Ms. Turgeon, however, the FBI agents insisted that their questions be answered. On January 24, 1975, they were told by the agents, in what amounted to a threat, that if they did not talk they would be subpoenaed to appear before a grand jury to answer the same questions. Within three days, Ms. Grusse and Ms. Turgeon were subpoenaed to appear before the grand jury, and were required to bring with them every bit of evidence about their lives and associations—including all personal letters received in the last year, as well as names and addresses of all of their friends and acquaintances.

It is important to point out here that it has never been the proper or legal function of a grand jury to do police work for the FBI or any other law enforcement agency. The only investigative function legally allowed a grand jury is that of investigating a specific crime committed within its own jurisdiction for the sole purpose of making a decision about whether or not to indict someone for that crime. It was not a proper function of the New Haven grand jury, therefore, to use its subpoena power to investigate *for the FBI* the whereabouts of fugitives already indicted for a crime allegedly committed in Boston, outside of its own jurisdiction. When Attorney Glen asked for what purpose her clients had been subpoenaed to appear before the grand jury, the foreman of the jury originally responded: "We're investigating a crime committed in Boston." This statement led all of the attorneys for the witnesses to conclude that this particular grand jury had, indeed, clearly crossed the legal and proper lines separating the police functions of the FBI from its own proper investigative function.

Disturbed by this evidence of collusion between the FBI and prosecuting attorney, Ms. Grusse and Ms. Turgeon appeared before the grand jury on January 28 and refused to answer any questions or disclose any information. As a result FBI agents began to visit the homes of their relatives and friends. We learned from one of Ms. Turgeon's sisters, in her sworn affidavit, that on January 30 an agent visited her at the home of her parents and revealed to her intimate details of her sister's sexual life and preferences that she had not known before and had no interest in knowing. She said of this visit: "After he revealed this detail of my sister's personal life, he said that his visit to me would not have been necessary if my sister had cooperated with him."

This interrogation was intended, it seems, to embarrass Ms. Turgeon to the point where she would talk with the agents and the grand jury rather than have them continue to so harass her relatives. Neither she nor her family succumbed to such coercion, however. Several members of our Committee of Concern met her parents in the federal courtroom in New Haven during the most recent grand jury proceedings, and we discovered that they continue to support their daughter. At one point in the proceedings, Mr. Turgeon looked at me, shook his head, and said: "This is terrible, just terrible."

Ms. Grusse and Ms. Turgeon appeared before the grand jury another two times before their open hearings on a civil contempt charge began. During these proceedings, they discovered that their personal, civil and legal rights were not protected by the court because of the way in which the grand jury process legally works. No counsel was allowed in the grand jury room, so they could receive no legal

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THEIR SILENCE DEMANDS WE SPEAK

(*Continued from page 25*)

advice about their testimony without leaving the court room to talk to their attorneys. Questions of a deeply personal nature that would not be permissible in a regular court of law were admissible before a grand jury. And all of the evidence presented by the prosecuting attorney to the judge in a grand jury proceeding is held in secret. Neither Ms. Grusse, Ms. Turgeon or their lawyers had access to the so-called evidence presented in secret affidavits by the FBI.

On February 13, Ms. Grusse and Ms. Turgeon again chose to remain silent, and were consequently granted use-immunity. Under the provision of the Organized Crime Control Act of 1970 which for the first time allowed use-immunity to be granted, the witness is *compelled to give up her right to the Fifth Amendment* in return for the assurance that her testimony cannot be used to prosecute her for a crime. Use-immunity, however, does not guarantee that she will not be indicted on the basis of someone else's testimony (whose name and address and phone number she was forced to reveal!). Nor does it prevent her own testimony from being used as a basis for indicting someone else, or from being used to interrogate the witness's friends, family and acquaintances. Yet, the most disturbing discovery Ms. Grusse and Ms. Turgeon made about use-immunity was that they could not legally refuse it. They either had to accept it or be cited for contempt and jailed.

On March 5, 1975, they went to jail. Judge Jon O. Newman had held them in civil contempt and sentenced them to prison for the rest of the grand jury's life.

Judge Newman could have held them in criminal contempt, which would have granted them the due process promised to every citizen: a trial by jury before being inflicted with imprisonment if found guilty. But for a civil contempt charge, no trial is necessary. In fact a person can be sentenced to prison for the 18-month life of one grand jury, released, re-subpoenaed to appear before a new grand jury, held in civil contempt again, and then re-sentenced to prison for the 18-month life of the new grand jury—all without ever having been charged with or indicted for any crime!

All of this happened, in fact, to Ellen Grusse and Terry Turgeon. On April 1, the day they were released from Niantic Women's prison in Connecticut, they were met at the prison gates by the Federal marshall who re-subpoenaed them to appear before a new grand jury on May 6. And on June 6, 1975, they were re-sentenced by Judge Newman to an additional 17 months in prison.

On the day Judge Newman was to decide upon their sentence, the National Council of Churches filed an Amicus (Friend of the Court) Brief on behalf of Ellen Grusse and Terry Turgeon. The Brief requested they not be sentenced to any further imprisonment, saying: "There is every indication that these women are sincere people . . . citizens who maintain deeply held feelings that the right to privacy, to confidentiality in human relationships, is a sacred right. . . .

"At the same time, their beliefs are no physical match for the power of the government to punish their failure to testify. This Court has the physical power to say: 'You will be put in jail and kept there until you talk.' In such a situation, the greater the witness's moral commitment to silence, to confidentiality in human relations, the greater the possibility of perpetual incarceration. . . . It is resoundingly offensive to the generally accepted sense of fairness of our society that a person who has committed no criminal act, has not been convicted by a jury of her peers, nor even charged with any crime, can because of moral commitment be placed in jail and returned to jail by means of successive grand juries."

These arguments had no legal effect. Yet they expressed clearly the convictions of members of the Committee of Concern. For in the course of our own visits to the four open hearings on the civil contempt charge, we grew to respect Ms. Grusse and Ms. Turgeon for taking a principled stand over-against what they call the "unprincipled tactics" of the FBI agents and the unconstitutional dimensions of many of the grand jury laws. We grew to understand that these two women had been so shocked by what could legally happen to them—or to anyone—that they were willing to stand up and make a test case of their situation. We grew to trust their decision to go to prison rather than cooperate with grand jury laws that can and do violate basic personal, civil, and legal liberties.

Ellen Grusse and Terry Turgeon are now in Niantic Women's Prison in Connecticut. Five women and one man were imprisoned for four months in Lexington as a result of a similar FBI and grand jury process in Kentucky. Jill Raymond, 20 years old, will remain in the Frankfort County jail in that state for at least another nine months. Women in New Haven and other cities are still receiving visits from the FBI, so that new grand juries—and new imprisonments—may continue to occur.

While most of us will never be forced to make a decision to go to prison for principles we believe in deeply, we must now confront both the courage and the suffering of some of our sisters. As Christian women, our own faith-principles demand that we take a stand with our sisters and witness outside the prison gates to the love for us that is revealed in their resistance to injustice. Their silence demands we speak. ■

MRI67 PS PLAIN

5:5PM NITEL FEB. 23,1976 GMS

TO: DIRECTOR (SC-46611)

FROM: BOSTON (91-4219) (P)

GILROS; OO: BOSTON

RE BOSTON AIRTEL, FEBRUARY 18, 1976, WITH COPY OF "MOTION FOR SUBPOENA DUCES TECUM TO ISSUE", FILED BY WILLIAM M. GILDAY, JR. IN MIDDLESEX SUPERIOR COURT, CAMBRIDGE, MASS. U

ON FEBRUARY 23, 1976, ASSISTANT DISTRICT ATTORNEY DANIEL DE MICHAELS, MIDDLESEX COUNTY, ADVISED THAT ON FEBRUARY 19, 1976, WILLIAM M. GILDAY, JR. APPEARED IN MIDDLESEX SUPERIOR COURT AND PLEADED GUILTY TO ALL NINE CHARGES PENDING AGAINST HIM. U

THE MOTION PREVIOUSLY FILED BY GILDAY WHICH CALLED FOR FBI PRODUCING ALL FILES ON "GILROS" WAS NOT HEARD IN VIEW OF GILDAY'S PLEA OF GUILTY. U REC-15 91-46611-2

AUSA WILLIAM BROWN, BOSTON, HAS BEEN ADVISED OF ABOVE.

BIB

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